

FREMONT BOARD OF SELECTMEN**20 JULY 2006****APPROVED 08/03/2006**

At 6:00 pm Chairman Cordes called the meeting to order. Present were Selectmen Gene Cordes and Peter Bolduc; and Town Administrator Heidi Carlson. They reviewed the agenda.

OLD BUSINESS

1. Selectmen reviewed the minutes for 13 July 2006. Two typographical errors were corrected and they were approved with those amendments on a motion from Bolduc and second from Cordes. The vote was unanimously in favor 2-0.
2. Selectmen again reviewed cemetery wage rates. The current budget report was also consulted to see if there was sufficient funding to make the change mid-year. Given the amount and type of work, the Board decided to recommend that the cemetery laborer position be placed in pay grade 2 step 7. The budget will support this change given the balance left for 2006. Motion was made by Bolduc and seconded by Cordes to move those positions to pay grade 2 step 7. The vote was unanimously approved 2-0. Selectmen will send a letter out to Don Denney for his comment as well.

NEW BUSINESS

1. Selectmen reviewed and approved the accounts payable manifest in the amount of \$284,361.14. Two copies were signed. All signature documents were left for Gates to review when he arrives at the meeting.
2. Selectmen reviewed the decision making process for next week wherein there is no meeting. Cordes moved that one of the Selectmen and Heidi Carlson can take care of routine decision-making and make any emergency decisions as necessary during the period of time until the next meeting. Bolduc seconded and the vote was approved 2-0. Selectmen further decided that if anything arose that needed the full Board's attention, it would be handled with a phone call.
3. Selectmen reviewed the Vision Appraisal web hosting contract. Web hosting of Fremont's assessing data was free for the first year, and the annual cost of \$2,200 is included in the 2006 budget. The web hosting has been a very well received program and beneficial for the Town. Selectmen signed the contract.

At 6:30 pm Neal Janvrin came in to the meeting and asked the Board for a brief public session to discuss a legal matter. Motion so made by Bolduc and seconded by Cordes pursuant to NH RSA 91-A 3 II (e) to discuss a legal matter. The vote was unanimously approved. This portion of the session lasted for two minutes and Janvrin left the meeting.

The Board then continued to discuss another legal matter.

At 6:43 pm motion was made by Bolduc and seconded by Cordes to return to public session. The vote was unanimously approved 2-0. No decisions were made.

At 6:45 pm Martin Ferwerda met with the Selectmen with his attorney Chris Boldt. Ferwerda began by telling the Board that he wants to put off the paving of the road for another year due to not selling enough homes. Selectmen indicated that the deadline to have that work done was July 15, 2006 and he should have provided notice prior to this.

Boldt said that the bond is in place and it can stay in place, so the Town has no fear of that not being covered.

FREMONT BOARD OF SELECTMEN**20 JULY 2006**

Selectmen said that it would have been much better if someone had come forward earlier and provided the Town with the courtesy of reasonable exchange of conversation about the situation prior to past the deadline. Ferwerda indicated he had sent a letter June 15th, but had not followed up on a request for an appointment with the Board. Since then, no correspondence was received until the Board sent the demand letter last week.

Boldt said that communication is going on, and that Ferwerda has provided information to the Town. Boldt said they are here now to address the Town's needs.

Cordes said that unilaterally changing the agreement after the fact was not helping to address the Town's needs and asked them to agree that was the case. Neither said anything.

Boldt explained that this is a long project and there is a lot still to happen on the site. He said that everything (from the July 2004 Agreement) but for the pavement of the topcoat of pavement is done. Boldt said again that the Town is secured and the bond is still in place.

Ferwerda said that due to the number of homes still to be built, it doesn't make sense to do it now. Selectmen asked why he didn't state that two years ago, or at anytime until the deadline had passed. They indicated he must have known this prior to now. Ferwerda said that paving the final overlay now was not prudent given the continued heavy truck and tracked equipment that still needed to be working in the development.

Ferwerda again discussed the islands that he had decided to place there, without Planning Board approval.

Boldt again asked what they can do to meet the Town's needs.

Selectmen said when we sat down two years ago they asked clearly for him (Ferwerda) to decide what his needs were. He outlined them and then has wavered from that original list. The Board provided every opportunity for him to lay out a schedule that fit his needs, and he said he did. Cordes stated adamantly that the Board did not want to be in the position we are now where things lapse and the Town has to again renegotiate Ferwerda's already agreed to plan. The Selectmen had asked what is it going to take and the Agreement was written to Ferwerda's specifications at that time. Now he is coming forward asking for yet another year.

Ferwerda said that it is going to be several more years before the project is done.

Selectmen asked when he expects to get houses built on that road and minimizes the impact to the pavement, so that the infrastructure as promised, can be finished.

Ferwerda talked about the access road going in to the crusher, and a lot of heavy traffic on that top section, which he states was originally designed for residential use only. Ferwerda's gravel operation there has a crusher and heavy trucks using it, and he said it will clearly need to be shimmed prior to paving the top course.

When directly asked, Ferwerda did not know what was his plan in terms of how long it would take to finish and when he thought the paving could be done. Selectmen then asked how many homes more does he have to do before he is satisfied that it is completed. Ferwerda said that there are 31 lots in total (in the eligible area); with 14 built on. He thinks with another 10 built, he can manage getting the pavement done.

FREMONT BOARD OF SELECTMEN**20 JULY 2006**

Bolduc suggested having the tracked equipment only crossing in one location therefore minimizing damage, and getting the work done sooner (for the overlay). Ferwerda did not want to pave the final course until more of the heavy trucking was done.

Richard Heselton came into the meeting at 6:55 pm, as did Lisa Maffei.

Ferwerda's sketch plan was consulted and Ferwerda indicated different levels of progress with regard to road construction, houses being put on lots, and the ancillary gravel/crushing operation and the road path constructed for that.

He said he needs to get 10 more houses in a section, and he has no idea how long that might take. He did agree that if he can pull 10 more building permits, he will have the road paved within 2 months of that, or by July 15, 2007 whichever comes first.

Ferwerda said he would like to reduce the area where the islands are and Selectmen said they appreciate his discussing it, but said that he needs to make that application letter to the Planning Board. The Planning Board will then refer it to the proper public safety agencies, including the Fire Department given the turning radius issues there.

Ferwerda said that he will call Lou Caron to do a bond reduction. Selectmen said this needed to be started right away so that a new bond from Ferwerda's lender can be ready prior to the September 7, 2006 expiration date of the existing, and the Selectmen and Planning Board can have reviewed and approved the road bond prior to the expiration.

Time was set on the August 24, 2006 at 8:00 pm for Ferwerda to come back to the Board of Selectmen and have all of the bonding issues (new construction estimate and a new letter of credit) ready for review by the Selectmen.

When the Selectmen make some decision about the number of building permits, it will include a requirement that Ferwerda provide quarterly updates to the Board of Selectmen and Building Inspector about what has been done and what the work plan is for the coming quarter, as well as the site issues, what has been accomplished and what will be accomplished in the coming 90 days.

Ferwerda indicated they would be back on August 24th and he would have Lou Caron's report by then, and the Board asked for a copy ahead of the meeting so they can have reviewed it. They reiterated that the Letter of Credit, renewed, must be in the Town's hands prior to its current expiration date.

Boldt and Ferwerda left the meeting at 7:09 pm.

At this time, department representatives present included Lisa Maffei, Dick Heselton, Guerwood Holmes, Neal Janvrin, and Chris Braid.

Heselton looked at cisterns today at Gristmill Road and Spaulding Way, they are coming along nice and the contractors in both cases are doing a nice job. The Spaulding tank sticking out of the ground, but there is a nice stone wall being built around it. It is a 30,000 water storage tank for use by the Fire Department. There was discussion about these setups.

Guerwood Holmes then discussed with the Board the temporary road repair work at Scribner Road. He said the work is going well. He said that about 2/3 of the timbers are on and work is progressing. He said they had run into a problem with a piece of granite on top of the sluiceway headwall that needs to be fixed.

FREMONT BOARD OF SELECTMEN**20 JULY 2006**

Holmes then asked the Selectmen about a proposed drainage pipe renovation for a house on Kingman Court (described as the only house on the right going up the road). The approved plan has a large drainage swale, and the homeowner has asked Holmes to put in a pipe underground 160 feet and cover it, to improve the appearance of it. The homeowner has offered to pay half of the cost, proposing the Town pay the other half. Holmes asked the Board what they felt about this. In response to questions, Holmes said the existing swale works, just doesn't look that nice.

After some discussion, it was decided that the Town should not spend any town funds on a private person's landscaping project. Holmes will get back to the homeowner.

If the homeowner decides to do it on his own, it would need to be reviewed by the Road Agent and perhaps an engineer as well so that it is done properly. The drainage swale is in the Town's right-of-way.

There was discussion about posting a weight limit on Scribner Road given the temporary nature of the repair work. The road is already listed in the Town's ordinance as No Thru Trucking. There was lengthy discussion about this which included all of the safety officials. In the end, it was decided that warning signage would be placed (loose gravel, and temporary repair work ahead), but that no weight limit would be posted at this time. Holmes felt the repair work was as good, if not better, than the prior condition of the roadway and did not have concern about trucks on it.

Gates arrived at the meeting at 7:30 pm.

At 7:30 pm Holmes and Carlson left the meeting to discuss other highway matters. A motion was made by Bolduc and seconded by Gates to enter non-public session pursuant to NH RSA 91-A II 3 (c) to discuss a personnel matter. The vote was unanimously approved 3-0.

At 7:50 pm motion was made by Gates to return to public session. Bolduc seconded and the vote was unanimously approved 3-0. No decisions were made.

There was brief further discussion with safety services about the fire and rescue merger and the subcommittee established to review the points plans. It was decided that Gates would act as a liaison to that group and attend their next meeting, believed to be on Tuesday August 1, 2006. The entire Board will attend that session to speak with representatives about this process.

At 7:55 pm Maffei, Janvrin, Heselton, and Braid left the meeting. Selectmen then met with Jack Karcz to discuss the Oak Ridge Loop Trail. Carlson returned to the meeting at that time.

Karcz discussed the grant that has been received from the NH Trails Bureau for creation of a walking trail on the town forest land, nearer to Meetinghouse Road off of Tavern Road. Karcz described what they will be doing, which includes clearing an area for parking and creating a loop trail for many outdoor activities (non-motorized). He said they will do a lot of work with a chipper and use the material for creation of some of the trail area.

There is more material to be moved than they originally thought and they will be looking for assistance and perhaps some equipment time donations as well. Karcz said they will level the area where the parking area is, perhaps remove a couple of stumps and rocks. Their estimate is 30 yards of gravel for the parking area, and they will groom this as a landing. They will haul away any slash. He said there is one spot that is low, but nothing substantial

FREMONT BOARD OF SELECTMEN

20 JULY 2006

The Scouts wanted to get involved for mountain biking and will help with the project, based a lot on volunteer (in kind) labor. They are also trying to get a spur to get back out to the rail trail, but for now their focus is to get the loop done. They will go out again and flag the area prior to work beginning.

Aimee Arsenault came into the meeting.

At 8:03 pm Selectmen opened the noticed public hearing for acceptance of a grant for the Oak Ridge Loop Trail from the NH Trails Bureau, pursuant to NH RSA 31:95-b and Cordes read the notice of public hearing:

The Board of Selectmen will hold a public hearing in accord with NH RSA 31:95-b for acceptance of a grant from the NH Trails Bureau in the amount of \$1,500 for the creation of the Oak Ridge Nature Trail on town-owned property. The grant monies will be used in combination of some town funds to create a Nature walking trail on the Town-owned Oak Ridge Conservation lands in the Tavern and North Road area. The hearing will take place at 8:00 pm on July 20, 2006 at the Fremont Town Hall, 295 Main Street. The public is invited to attend.

Carlson stated that due to the amount of the grant, a formal public hearing is not required, but that it had been posted as such and published in the newsletter. A formal public hearing is not required unless the acceptance is greater than \$5,000.

Karcz stated that the money is to be spent from the 2006 Conservation Commission budget and will be reimbursed to the Town. Copies of the grant documents were provided to Karcz.

Bolduc moved to accept the grant from the NH Trails Bureau in the amount of \$1,500; identifying that \$1,975 was the total project total cost. Gates seconded and the vote was unanimously approved 3-0. The difference of \$475 will actually be funded by the Conservation Commission budget.

Bolduc then moved to close the public hearing. Gates seconded and the vote was unanimously approved 3-0.

Karcz left the meeting 8:09 pm.

Aimee Arsenault introduced herself to the Board, and Renee King arrived at 8:10 pm. Arsenault is the new Playgroup Coordinator, and came to meet the Board. She said that she would be assuming the role once the new playgroup season began in September, indicating she would start it when kids go back to school. Joy Wood has been the coordinator for the past few years and has "retired."

Arsenault said she was working on plans for the fall sessions, and would likely do the first three Fridays of the month, having the group take the last Friday of the month off. The group meets at the church on Friday mornings from 9:30 to 11:30 am.

The Selectmen discussed with King the shipment date for the playground and the details surrounding installation. There was also discussion about hiring a teacher from the Sanborn Regional District that Jen Jaquith knows, to help out at camp while there are other counselors gone. Selectmen indicated on a short-term, temporary basis that this would be OK so long as all of the Town's application and back ground check policies were followed.

Arsenault left the meeting at approximately 8:25 pm.

There was some further discussion about the camp program and staffing needs.

King left the meeting at approximately 8:35 pm.

FREMONT BOARD OF SELECTMEN

20 JULY 2006

OLD BUSINESS CONTINUED

3. Selectmen further discussed at length the issues outstanding at the Ferwerda development and the requests he made this evening for another extension.

Selectmen drafted another Agreement outlining all of the provisions made this evening as well as restating all of the prior conditions in the July 2004 Agreement. The new agreement will be titled Agreement 2006 Amendment and read as follows:

This agreement, discussed and agreed the 20th day of July 2006 by the Town of Fremont by its Board of Selectmen (hereinafter referred to as "Town"); and Martin Ferwerda of Ferwerda Development Inc (hereinafter referred to as "Owner"), with regard to additional permitting, public safety, building permits and finalizing construction of the Mobile Home Park known as Governor's Forest Mobile Home Park.

The Fremont Board of Selectmen, in concert with the Town's rules and regulations, will allow for the issuance of 10 additional building permits within the park and allow up to a one year extension of Condition #10 from the prior Agreement (dated July 22, 2004); to pave the final overlay with any necessary shim on the entire roadway known as Tarah Way and on Linda Lane from station 10+00 to station 30+00.

CONDITIONS of said extension are that the following occur by the Developer/Owner Martin Ferwerda:

- 1. The Owner shall renew with his lender, the road construction bond at a level consistent with the recommendation of the Town's Consulting Engineer Lou Caron at L C Engineering LLC to include bonding up to the final coat of paving on all of Tarah Way and Linda Lane from station 10+00 to station 30+00.*
- 2. The Owner will ensure that the bonded road construction work in its entirety will be completed by July 15, 2007 including the full length of Tarah Way and Linda Lane from station 10+00 to station 30+00; the finish coat (final one inch) of paving on Linda Lane (station 10+00 to 30+00) and all of Tarah Way will be fully installed by July 15, 2007 or within 60 days after the 10 building permits are issued, whichever comes first.*
- 3. The Owner agrees to be responsible for dust control for any complaint received (water, calcium chloride usage, etc). The Owner will be responsible for any drainage issues on the site.*
- 4. The Owner will handle in writing with the Fremont Planning Board, any requests to make any changes from the approved site plan. The Owner will follow guidelines as outlined by the Planning Board in that regard.*
- 5. That the Owner will submit a written report on a quarterly basis to the Board of Selectmen and the Building Inspection on the activity of the preceding 90 days and a outlining a plan of action for the next 90 days. These reports shall commence being due in November 2006 for the months of August, September, October 2006; and continuing on a quarterly basis from that point.*
- 6. That the Owner has to have a renewed road bond submitted in hand in the Selectmen's Office on or before September 7, 2006.*
- 7. That the Owner agrees to keep current with his Mobile Home Park Permit.*
- 8. No building permits will be issued on Sharon Way or Linda Lane until that construction is again completely bonded with the Town.*
- 9. The Owner will maintain at all times, a minimum of \$2,000 in the engineering escrow account, and agrees to pay all engineering bills as they are received.*
- 10. The Town agrees to timely process all engineering payments and requests for bond reductions. The Owner agrees to submit timely requests for bond reductions in writing to the Engineer.*
- 11. That this agreement be executed and returned to the Town of Fremont by the Owner within seven days of the date of said agreement.*

For clarity, station 10+00 to 30+00 of Linda Lane includes the area from Route 107 to the intersection of Linda Lane and Tarah Way.

FREMONT BOARD OF SELECTMEN**20 JULY 2006**

With final information in the agreement, and the understanding that this 2006 Agreement be completed and in place prior to issuance of any additional building permits. The Board finalized it and signed copies so that it could be forwarded to Ferwerda on Friday.

NEW BUSINESS CONTINUED

4. Budget reports through June 30, 2006 were available for review. The Board reviewed the expenditures to date, noting the departments who needed to talk with the Board about line item overages to identify where the funds would come from.
5. Selectmen signed outgoing correspondence to the Town Clerk and signed the performance appraisal for the Deputy Town Clerk.
6. The NH Department of Health and Human Services had today notified the Town by telephone that a EEE mosquito pool had been identified in Danville. The State's press release hit the evening news today and notifications were made for information purposes. The State's press release will be placed on the Town's website, and the public should be advised not to panic, and to continue to be vigilant and follow personal protective measures.
7. The August Newsletter was approved for mailing to the printer on Friday.
8. At the request of Lori Cunningham, the Selectmen considered whether it would be acceptable for the Fremont Early Learning Center to put up a display board of information in the Town Hall. Given the space constraints, and the fact that it would then allow any commercial venture to do the same, the Board did not approve this request. The center's information flyer can be put on the bulletin board.
9. Recreation field use by town residents was discussed briefly.
10. The dumpster bid specifications have gone out for the September 23, 2006 and Spring 2007 (date TBD) Bulky days. The bids are due Friday August 11, 2006 by 12 noon.
11. Due to missing one of the copies last week, Selectmen signed another IRS tax form 8283 for Glen Oakes for the value of the \$40,000 conservation easement.
12. Selectmen signed the 2005 State Form MS-5 for submission to DRA. It was received from Auditor Paul Mercier this week.

NEXT WEEK

There is no Board meeting on Thursday July 27, 2006. The next regular Board meeting will be held on Thursday August 3, 2006 at 6:00 pm.

With no further business to come before the Board, motion was made by Gates to adjourn the meeting at 11:05 pm. Bolduc seconded and the vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator